

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

DARYL J. CARTER,)	
)	
Plaintiff,)	
)	
v.)	C. A. No. 07-00517-SLR
)	
STANLEY W. TAYLOR, individually;)	JURY TRIAL DEMANDED
RAPHAEL WILLIAMS, individually;)	
SITTA B. GOMBEH-ALIE, M.D., individually;)	
MUHAMMAD ARIF NIAZ, M.D., individually;)	
CORRECTIONAL MEDICAL SERVICES, INC;)	
CORRECTIONAL MEDICAL SERVICES OF DE,)	
INC., JOHN DOE MEDICAL PERSONNEL; and)	
JOHN DOE CORRECTIONAL PERSONNEL,)	
)	
Defendants.)	

ANSWER TO COMPLAINT

Defendant Williams, by and through undersigned counsel hereby answers the complaint as follows:

1. Denied.
2. Denied.
3. Denied.
4. After reasonable investigation, Answering Defendant is without sufficient knowledge or information to form a belief as to the truth of allegations in this paragraph.
5. After reasonable investigation, Answering Defendant is without sufficient knowledge or information to form a belief as to the truth of allegations in this paragraph.

6. After reasonable investigation, Answering Defendant is without sufficient knowledge or information to form a belief as to the truth of allegations in this paragraph.

7. After reasonable investigation, Answering Defendant is without sufficient knowledge or information to form a belief as to the truth of allegations in this paragraph.

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13. After reasonable investigation, Answering Defendant is without sufficient knowledge or information to form a belief as to the truth of allegations in this

paragraph.

14. After reasonable investigation, Answering Defendant is without sufficient knowledge or information to form a belief as to the truth of allegations in this paragraph.

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18. After reasonable investigation, Answering Defendant is without sufficient knowledge or information to form a belief as to the truth of allegations in this paragraph.

19. After reasonable investigation, Answering Defendant is without sufficient knowledge or information to form a belief as to the truth of allegations in this paragraph.

20. After reasonable investigation, Answering Defendant is without sufficient knowledge or information to form a belief as to the truth of allegations in this paragraph.

21. After reasonable investigation, Answering Defendant is without sufficient

knowledge or information to form a belief as to the truth of allegations in this paragraph.

22. Denied.

23. After reasonable investigation, Answering Defendant is without sufficient knowledge or information to form a belief as to the truth of allegations in this paragraph.

24. After reasonable investigation, Answering Defendant is without sufficient knowledge or information to form a belief as to the truth of allegations in this paragraph.

25. After reasonable investigation, Answering Defendant is without sufficient knowledge or information to form a belief as to the truth of allegations in this paragraph.

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30. After reasonable investigation, Answering Defendant is without sufficient knowledge or information to form a belief as to the truth of allegations in this paragraph.

31. After reasonable investigation, Answering Defendant is without sufficient knowledge or information to form a belief as to the truth of allegations in this paragraph.

32. After reasonable investigation, Answering Defendant is without sufficient knowledge or information to form a belief as to the truth of allegations in this paragraph.

33. After reasonable investigation, Answering Defendant is without sufficient knowledge or information to form a belief as to the truth of allegations in this paragraph.

34. After reasonable investigation, Answering Defendant is without sufficient knowledge or information to form a belief as to the truth of allegations in this paragraph.

35. After reasonable investigation, Answering Defendant is without sufficient knowledge or information to form a belief as to the truth of allegations in this paragraph.

36. Answering Defendant restates the answers in paragraphs 1 thru 35 as set forth herein.

37. This paragraph alleges a legal argument to which no response is required. To the extent a response is required, answering defendant denies same.

38. This paragraph alleges a legal argument to which no response is required. To the extent a response is required, answering defendant denies same.

39. This paragraph alleges a legal argument to which no response is required. To the extent a response is required, answering defendant denies same.

40. This paragraph alleges a legal argument to which no response is required. To the extent a response is required, answering defendant denies same.

41. This paragraph alleges a legal argument to which no response is required. To the extent a response is required, answering defendant denies same.

42. Answering Defendant restates the answers in paragraphs 1 thru 41 as set forth herein.

43. After reasonable investigation, Answering Defendant is without sufficient knowledge or information to form a belief as to the truth of allegations in this paragraph.

44. This paragraph alleges a legal argument to which no response is required. To the extent a response is required, answering defendant denies same.

45. Answering Defendant restates the answers in paragraphs 1 thru 44 as set forth herein.

46. Denied.

47. Denied.

48. Denied.

49. Denied.

50. Denied.

51. Denied.

52. Denied.

53. Denied.

54. Answering Defendant restates the answers in paragraphs 1 thru 53 as set forth herein.

55. This paragraph alleges a legal argument to which no response is required. To the extent a response is required, answering defendant denies same.

56. This paragraph alleges a legal argument to which no response is required. To the extent a response is required, answering defendant denies same.

57. This paragraph alleges a legal argument to which no response is required. To the extent a response is required, answering defendant denies same.

58. This paragraph alleges a legal argument to which no response is required. To the extent a response is required, answering defendant denies same.

59. This paragraph alleges a legal argument to which no response is required. To the extent a response is required, answering defendant denies same.

60. This paragraph alleges a legal argument to which no response is required. To the extent a response is required, answering defendant denies same.

61. Answering Defendant restates the answers in paragraphs 1 thru 60 as set forth herein.

62. This paragraph alleges a legal argument to which no response is required. To the extent a response is required, answering defendant denies same.

63. This paragraph alleges a legal argument to which no response is required. To the extent a response is required, answering defendant denies same.

64. This paragraph alleges a legal argument to which no response is required. To

the extent a response is required, answering defendant denies same.

65. This paragraph alleges a legal argument to which no response is required. To the extent a response is required, answering defendant denies same.

66. Answering Defendant restates the answers in paragraphs 1 thru 65 as set forth herein.

67. After reasonable investigation, Answering Defendant is without sufficient knowledge or information to form a belief as to the truth of allegations in this paragraph.

68. After reasonable investigation, Answering Defendant is without sufficient knowledge or information to form a belief as to the truth of allegations in this paragraph.

69. After reasonable investigation, Answering Defendant is without sufficient knowledge or information to form a belief as to the truth of allegations in this paragraph.

70. This paragraph alleges a legal argument to which no response is required. To the extent a response is required, answering defendant denies same.

71. This paragraph alleges a legal argument to which no response is required. To the extent a response is required, answering defendant denies same.

72. Answering Defendant restates the answers in paragraphs 1 thru 71 as set forth herein.

73. After reasonable investigation, Answering Defendant is without sufficient knowledge or information to form a belief as to the truth of allegations in this paragraph.

74. This paragraph alleges a legal argument to which no response is required. To the extent a response is required, answering defendant denies same.

RELIEF

75. It is specifically denied that Plaintiff is entitled to compensatory damages, general damages or special damages.

76. It is specifically denied that Plaintiff is entitled to any other relief.

AFFIRMATIVE DEFENSE

77. Plaintiff's Complaint fails to state a claim upon which relief may be granted.

78. Plaintiff failed to exhaust his administrative remedies.

79. Defendant Williams is immune from liability under the Eleventh Amendment.

80. Defendant Williams is entitled to qualified immunity.

81. As to any claims under state law, Defendant Williams is entitled to immunity under the State Torts Claims Act, 10 *Del. C.* § 4001 *et seq.*

82. As to claims under state law, Defendant is entitled to sovereign immunity in his official capacity.

83. Defendant Williams cannot be held liable in the absence of personal involvement for the alleged constitutional deprivations.

84. To the extent that Plaintiff seeks to hold Defendant Williams liable based on supervisory responsibilities, the doctrine of *respondeat superior* or vicarious liability is not a basis for liability in an action under 42 *U.S.C.* § 1983.

85. Defendant Williams, in his official capacity, is not liable for alleged violations of plaintiff's constitutional rights as he is not a "person" within the meaning of 42 U.S.C. § 1983.

86. Plaintiff acted at all times with contributory negligence.

87. Plaintiff at all times assumed the risk.

88. This action is barred by the applicable statute of limitations.

89. Any injury sustained by plaintiff resulted from a superseding cause.

90. Plaintiff's Complaint, to the extent that it seeks punitive damages, fails to state a cause of action supporting the punitive damages claim.

Wherefore, Defendant Williams demands that judgment be entered in his favor as to all claims and against the plaintiff as to all claims, and attorney's fees and costs be awarded to defendant.

**STATE OF DELAWARE
DEPARTMENT OF JUSTICE**

/s/ Ophelia M. Waters
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Attorney for Defendant Williams

Dated: October 16, 2007

CERTIFICATE OF SERVICE

I hereby certify that on October 16, 2007, I electronically filed *Answer to Complaint* with the Clerk of Court using CM/ECF which will send notification of such filing to the following: Michael L. Sensor, Esquire.

**STATE OF DELAWARE
DEPARTMENT OF JUSTICE**

/s/ Ophelia M. Waters
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